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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE WESTERN DISTRICT OF WASHINGTON**
10 **AT SEATTLE**

11 FIFTEEN TWENTY-ONE SECOND AVENUE
12 CONDOMINIUM ASSOCIATION, a Washington
13 non-profit corporation,

14 Plaintiff,

15 v.

16 VIRACON, LLC a Minnesota limited liability
17 company; APOGEE ENTERPRISES, INC., a
18 Minnesota corporation; QUANEX IG
19 SYSTEMS, INC., an Ohio corporation;
20 INSULATING GLASS CERTIFICATION
21 COUNCIL, an unincorporated association
22 domiciled in Washington,

23 Defendants.

Case No. 2:23-cv-01999-BJR

**ORDER GRANTING IN PART PLAINTIFF'S
MOTION TO EXTEND THE BRIEFING
SCHEDULE OR STAY BRIEFING ON
CURRENT MOTIONS UNTIL THE COURT
RULES ON SUBJECT MATTER
JURISDICTION**

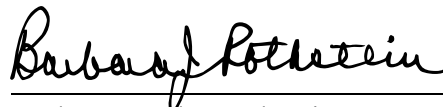
24 On December 28, 2023, the Defendants removed this action from the Superior Court of
25 Washington for King County. On January 4, 2024, Defendants each filed a motion to dismiss
26 (collectively, the "Motions to Dismiss"). On January 22, 2024, Plaintiff filed this Administrative Motion
27 to Extend the Briefing Schedule or Stay Briefing on Current Motions Until the Court Rules on Subject
Matter Jurisdiction ("Motion"). Defendants Apogee Enterprises Inc. and Viracon LLC filed an
opposition on January 23, with which Defendant Insulating Glass Certification Council joined. Having
considered the Motion and the opposition filed thereto, and finding good cause supporting the Motion

and a lack of prejudice to Defendants, the Court hereby GRANTS the motion. Accordingly:

- 1) Briefing and consideration of the Motions to Dismiss are stayed as of the date of this Order.
- 2) Plaintiff shall file its Motion to Remand on or before **January 29, 2024**. Briefing on that motion shall follow the guidelines set out in the Court's Standing Order.
- 3) The stay of the Motions to Dismiss shall expire on the date the Court rules on the Motion to Remand. The due date of Plaintiff's Opposition(s) to the Motions shall be tolled by the stay, and Plaintiff is granted an additional seven (7) days to file its Opposition after the stay is lifted. In other words, if the Court denies the Motion to Remand, Plaintiff's Oppositions to the Motions to Dismiss shall be due within seven days of that denial.
- 4) Plaintiff's request that the Court stay the Motions to Dismiss pending the filing and consideration of a Motion for Jurisdictional Discovery is denied.

IT IS SO ORDERED.

DATED this 25th day of January, 2024.



Barbara Jacobs Rothstein
U.S. District Court Judge

Presented by:

HENNIGH LAW CORPORATION
Attorneys for Plaintiff

/s/Erik Gonzalez
Erik Gonzalez (WSBA #60915)
Erik.Gonzalez@Hennighlaw.com
701 Fifth Ave, Ste 4200
Seattle, WA 98104
Telephone: (415) 325-5855